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GATE GOURMET KOREA CO., LTD.  
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12 **UNITED STATES DISTRICT COURT**  
13 **CENTRAL DISTRICT OF CALIFORNIA**  
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15 GATE GOURMET KOREA CO., LTD.,  
16 a Korean company,

17 Petitioner,

18 v.

19 ASIANA AIRLINES, INC.,  
20 a Korean company,

21 Respondent.  
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CASE NO. 2:24-cv-01265-RGK-PD

**PETITIONER'S RESPONSE TO  
RESPONDENT'S OBJECTIONS  
TO DECLARATION OF ROBERT  
K. KRY**

Before: Hon. R. Gary Klausner

Date: June 3, 2024

Time: 9:00 a.m.

Place: Courtroom 850, 8th Floor  
Roybal Federal Building  
and U.S. Courthouse

**PETITIONER GATE GOURMET'S RESPONSES TO ASIANA'S  
OBJECTIONS TO THE DECLARATION OF ROBERT K. KRY**

<b>OBJECTED-TO MATERIAL</b>	<b>GROUND FOR OBJECTION</b>	<b>RESPONSE TO OBJECTION</b>
<p><u>Objection 1:</u></p> <p>9. Attached hereto as Exhibit 8 are true and correct copies of supporting documentation for certain foreign exchange rates I obtained from the website of OANDA FX Data Services at <a href="https://www.oanda.com/currency-converter">https://www.oanda.com/currency-converter</a>.</p> <p>¶ 9, Ins. 3-5, Exh. 8 (in its entirety)</p>	<p><b>No Authentication (Fed. R. Evid. 901).</b> Exhibit 8 is not authenticated by any evidence cited by or attached to the declaration.</p> <p><b>Hearsay (Fed. R. Evid. 801, 802).</b> The documentation attached as Exhibit 8 contains inadmissible, out-of-court statements offered to prove the truth of the matters stated.</p>	<p>Published currency exchange rates are subject to judicial notice. Fed. R. Evid. 201(b)(2); <i>NextWave Marine Sys., Inc. v. M/V Nelida</i>, 500 F. Supp. 3d 1162, 1165 n.1 (D. Or. 2020); <i>Waterford Twp. Police v. Mattel, Inc.</i>, 321 F. Supp. 3d 1133, 1143 (C.D. Cal. 2018); <i>Yang Ming Marine Transp. v. Oceanbridge Shipping Int'l</i>, No. 97-cv-8550 DT, 1999 WL 1046580, at *6 (C.D. Cal. May 24, 1999).</p> <p>Alternatively, the Kry Declaration sufficiently authenticates the webpages. Fed. R. Evid. 901(b)(1); Kry Decl. ¶9.</p>
<p><u>Objection 2:</u></p> <p>10. Attached hereto as Exhibit 9 is a true and correct copy of a claim calculation that I prepared showing the interest due on the award, as ordered by the tribunal's Final Award and Addendum, and converting the foreign currency portions of the</p>	<p><b>Improper Opinion Testimony by Lay Witness and Purported Expert Opinion. (Fed. R. Evid. 701, 702).</b> Mr. Kry has not been qualified as an expert to testify regarding the claim calculation he references and attaches as Exhibit 9, which is a matter that requires technical and/or</p>	<p>Prejudgment interest calculations are straightforward mathematical calculations and do not require expert testimony. <i>Walsh v. Wellfleet Commc'ns</i>, No. 20-16385, 2021 WL 4796537, at *2 (9th Cir. Oct. 14, 2021); <i>Bryant v. Farmers Ins. Exch.</i>, 432 F.3d 1114, 1121, 1124</p>

award into U.S. dollars using the exchange rates prevailing at the date of the Award. I obtained the KORIBOR interest rates used in the calculation by downloading historical KORIBOR data from the Korea Federation of Banks website at <https://www.kfb.or.kr/eng/koribor/koribor.php>.

¶ 10, Ins. 6-12, Exh. 9 (in its entirety)

other specialized knowledge within the scope of Fed. R. Evid. 702 and thus is not an appropriate subject for a lay witness.

**Hearsay (Fed. R. Evid. 801, 802).** The documentation attached as Exhibit 9 contains inadmissible, out-of-court statements offered to prove the truth of the matters stated.

(10th Cir. 2005); *United States v. Sepulveda-Hernandez*, 752 F.3d 22, 34-35 (1st Cir. 2014); *LNV Corp. v. Hook*, No. 14-CV-00955, 2018 WL 10245906, at \*3 (D. Colo. June 21, 2018).

Published interest rates are subject to judicial notice. Fed. R. Evid. 201(b)(2); *Resol. Tr. Corp. v. First Am. Bank*, 155 F.3d 1126, 1129 (9th Cir. 1998); *In re Jackson*, 988 F.3d 583, 594 (1st Cir. 2021); *D.E. Shaw Laminar Portfolios, LLC v. Archon Corp.*, 755 F. Supp. 2d 1122, 1129 & n.3 (D. Nev. 2010).

DATED: May 20, 2024

HALPERN MAY YBARRA GELBERG LLP

By: /s/ Thomas Rubinsky  
THOMAS RUBINSKY

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